

RULE 7
ADDITIONAL EVIDENCE OR FINDINGS--REMAND

If the Supreme Court on its own motion or on the motion of the commission or the judge determines that further commission proceedings, additional evidence, or additional findings will aid the Supreme Court, the Supreme Court may remand the case to the commission or accept supplementary materials without remand.

Comment

The Supreme Court may conclude, either on its own or at the instance of a party, that additional commission proceedings are desirable. The Supreme Court may decide that the commission should reconsider the recommendation or obtain additional evidence. This rule permits a remand for these purposes. The rule also authorizes the Supreme Court to receive additional evidence. The generally accepted standard of review for Supreme Court proceedings in the area of judicial misconduct or disability is an "independent evaluation of the evidence." Hence, the Supreme Court functions with a broader standard of review than is usual for an appellate court reviewing a trial court decision. This rule allows maximum flexibility for supplementing the record. Cf. ABA Standards 7.4-7.6 which are consistent with this approach.

[Effective May 14, 1982]
